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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,040	02/16/2005	Frank Rottmann	10191/3441	8781
26646 7590 10/06/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER REKSTAD, ERICK J				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 10/06/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/507,040

**Applicant(s)**

ROTTMANN, FRANK

**Examiner**

ERICK REKSTAD

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a Non-Final Office Action for Application no. 10/507,040.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 14, 15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,554,983 to Kitamura et al.

[claims 10 and 17]

As shown in Figure 36, Kitamura teaches system for tracking at least one object in a scene. The system includes obtaining a sequence of images from an image detector (Col 19 Lines 45-47, Col 24 Lines 7-14, Fig. 44). The system determines a movement of at least one object in the scene based on the sequence of images (Col 20 Lines 16-31, Fig. 39). Note, Kitamura teaches the determining of a sudden drop in speed (Col 20 Lines 30-31). Kitamura further teaches the obtaining of the different characteristics of the object in order to determine an abnormal condition (Col 20 Lines 43-60). The values are compared to a threshold to determine if an abnormality exists (Col 21 Lines 1-7). Kitamura then teaches the verifying of the object being at a standstill (Col 21 Lines 29-30). The system generates a signal when a stationary object is determined (Col 22 Lines 22-26). Note, the counter is the indication of vehicle speed as depicted in Figure 39B.

[claims 14, 15 and 20]

Kitamura teaches the use of a reference image (Col 20 Lines 16-18). The reference image is further adapted onto multiple images as depicted in Figure 37.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over  
Kitamura.

[claim 16]

Kitamura teaches the processing of frames captured every 200ms (Col 21 Lines 66-67). Official Notice is taken that both the concept and advantages of different frame-rates are well known and expected in the art. Thus, it would have been obvious to one skilled in the art, at the time of the Applicant's invention, to utilize any frame-rate including 500ms in order to provide a system which provides reduced processing thus allowing for reduced power usage and cheaper hardware.

Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Kitamura in view of US Patent 5,966,074 to Baxter.

[claim 11]

As shown above Kitamura teaches the triggering of an alarm (Col 22 Lines 22-26). Kitamura is silent on the alarm being audio or visual. Baxter teaches an

surveillance system which when triggering an alarm provides a siren (Col 8 Lines 20-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the siren of Baxter with the alarm signal of Kitamura in order to provide an indicator to the user of the triggered event as taught by Baxter.

[claims 12, 13, 18 and 19]

Kitamura teaches the gathering of information related to speed and position (Col 20 Lines 57-60). Kitamura is silent on providing the information as a list. Baxter teaches the use of a list to store position and time information in order to provide later analysis of the information (Col 6 Lines 1-20 and 29-36, Fig. 11). Baxter further teaches the initializing a new list when an object begins moving (Col 6 Lines 12-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the lists of Baxter with the system of Kitamura in order to provide a visual of the pattern of movement as taught by Baxter (Col 6 Lines 29-36, Fig. 11).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERICK REKSTAD whose telephone number is (571)272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erick Rekstad/  
Examiner (Partial Signatory Authority), Art Unit 2621